

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NEXTGEAR CAPITAL, INC.,
an Indiana company,

Case No. 16-cv-10298

Plaintiff,

Hon. John Corbett O'Meara
Mag. Judge Mona K. Majzoub

v.

JOHN YURKOVICH AUTO SALES, INC.,
a Michigan company, and
JOHN YUKOVICH, individually,

Defendants.

Daniel N. Sharkey (P53837)
Brad A. Danek (P72098)
Brooks Wilkins Sharkey & Turco PLLC
401 S. Old Woodward Avenue, Ste. 400
Birmingham, Michigan 48009
(248) 971-1800
Attorneys for Plaintiff

**ORDER RESTRAINING DISPOSITION OF COLLATERAL PENDING
HEARING ON PLAINTIFF'S MOTION FOR POSSESSION OF
COLLATERAL PENDING FINAL JUDGMENT**

Plaintiff NextGear Capital, Inc. ("NextGear"), filed a Verified Motion and Brief for Possession Pending Final Judgment and for a Temporary Order Pending Hearing pursuant to Fed. R. Civ. P. 64, MCL § 600.2920, and MCR 3.105 (the

“Motion”). The Court, having reviewed the Motion and being otherwise fully advised on the premises:

IT IS HEREBY ORDERED THAT:

1. John Yurkovich Auto Sales, Inc. (“JYAS”) and anyone acting in concert with JYAS or with actual or constructive knowledge of this Order are prohibited from using, operating, damaging, destroying, concealing, hypothecating, selling, transferring, giving away, altering or otherwise disposing of the following Vehicles, except as strictly necessary to ensure they are in a secure, covered and enclosed location or as is otherwise necessary to prevent waste, until further Order of the Court:

1. 2007 Ford Focus, VIN 229427, Stock #554
2. 2007 Pontiac G6, VIN 102573, Stock #556
3. 2002 Ford Focus, VIN 109953, Stock #560
4. 2006 Chrysler Town & Country Touring Signature, VIN 738974, Stock #561
5. 2005 Dodge Durango, VIN 510795, Stock #592
6. 2004 Cadillac DeVille, VIN 126115, Stock #596
7. 2004 Cadillac SRX, VIN 165241, Stock #597
8. 2002 Ford Ranger, VIN A74737, Stock #602
9. 2005 Chevy Trailblazer, VIN 276655, Stock #604
10. 2000 Chevy Montana, VIN 285371, Stock #608
11. 2003 Chrysler PT Cruiser, VIN 619934, Stock #609
12. 1998 Ford Mustang, VIN 208711, Stock #610
13. 2003 Chrysler Town and Country, VIN 241525, Stock #612
14. 2000 Ford E350, VIN B26780, Stock #614
15. 2004 Pontiac Grand Am, VIN 245597, Stock #619
16. 1985 Lincoln TownCar, VIN 666860, Stock #621
17. 2001 Ford F150, VIN E49140, Stock #623
18. 2004 Ford Explorer, VIN B17384, Stock #624
19. 2007 Chrysler PT Cruiser, VIN 557762, Stock #625

- 20.2004 Ford F150, VIN A44386, Stock #632
- 21.2007 Cadillac DTS, VIN 183103, Stock #635
- 22.2006 Hummer H3, VIN 282843, Stock # 638
- 23.2006 Chevy Aveo, VIN 577252, Stock #639
- 24.2008 Chrysler Town & Country Touring, VIN 844342, Stock #641

2. JYAS shall appear for a hearing on February 11, 2016 at 10:00 a.m. before the undersigned at the United States District Court, 200 East Liberty Street, Ann Arbor, Michigan, to Show Cause why this Court should not grant Plaintiff's Motion and award NextGear immediate possession of above listed vehicles pending final judgment.

Date: February 5, 2016

s/John Corbett O'Meara

United States District Judge

I hereby certify that on February 5, 2016 a copy of this order was served upon the parties or record using the ECF system, and/or first-class U.S. mail.

s/William Barkholz

Case Manager